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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

Nos. CR S-02-0213-MCE-CMK
CIV S-07-2724-MCE-CMK

12 Respondent,

13 vs.

ORDER

14 MIGUEL HERNANDEZ-MUNGUIA,

15 Movant.
16 _____/

17 Movant, a federal prisoner proceeding pro se, brings this motion to correct or set aside a
18 criminal judgment pursuant to 28 U.S.C. § 2255. The matter was referred to a United States
19 Magistrate Judge pursuant to Eastern District of California local rules.

20 On February 15, 2008, the magistrate judge filed findings and recommendations herein
21 which were served on the parties and which contained notice that the parties may file objections
22 within a specified time. No objections to the findings and recommendations have been filed.

23 The court has reviewed the file and finds the findings and recommendations to be
24 supported by the record and by the magistrate judge's analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed February 15, 2008, are adopted in full;

3 2. Respondent's motion to dismiss (Doc. 333 in the criminal docket) is denied; and

4 3. Respondent shall file a response on the merits of movant's § 2255 motion within
5 30 days of the date of this order.

6 Dated: March 26, 2008

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8 MORRISON C. ENGLAND, JR.
9 UNITED STATES DISTRICT JUDGE
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